

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ROGELIO REGALADO	§	
<i>Pro Se Plaintiff,</i>	§	
v.	§	CAUSE NO. 4:23-cv-931
MANAGEMENT & TRAINING	§	
CORPORATION, ET AL	§	
<i>Defendants.</i>	§	

**DEFENDANTS MANAGEMENT & TRAINING CORPORATION, WARDEN L.
THOMAS, AND M. REMBERT'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. §§1331, 1441, and 1446, Defendants Management & Training Corporation (“MTC”), Warden L. Thomas (“Thomas”), and M. Rembert (“Rembert”) (collectively, “Defendants”) file this Notice of Removal, and respectfully show as follows.

A. Procedural Background

1. Defendants were named in a civil action brought by Rogelio Regalado (“Plaintiff”) against Defendants on July 15, 2023, styled ROGELIO REGALADO V. MANAGEMENT & TRAINING CORPORATION, ET AL; Cause No. 23-07-542; In the 271st Judicial District Court of Wise County, Texas (the “State Action”). True copies of the docket sheet and all process, pleadings and orders served on Defendants in the State Action are contained in the Index of Documents filed contemporaneously with this Notice or will be supplemented when MTC is able to obtain the documents from the 271st District Court.

2. Defendant Rembert was served with Plaintiff’s Original Petition in the State Action (the “Petition”) on August 18, 2023. Defendant Thomas was served with the Petition on

August 23, 2023. Defendant MTC was served on September 5, 2023. Thus, this Notice of Removal is timely filed.

B. Federal Question

3. Plaintiff's Original Petition in the State Action establishes that the United States District Court for the Northern District of Texas, Fort Worth Division, has jurisdiction by reason of federal question pursuant to 28 U.S.C. §1331. A copy of Plaintiff's Original Petition filed in the State Court civil action is attached hereto in Exhibit "B". Plaintiff was incarcerated in Wise County, Texas at the time of the alleged incident. See Exhibit "B": Petition, para. 1.1. Plaintiff contends in the State Court civil action that he suffered injuries resulting from retaliation by Defendant Rembert on or about March 12, 2023, while he was incarcerated at the Bridgeport Correctional Facility (the "Facility"), a facility operated by MTC under contract with the Texas Department of Criminal Justice. See Exhibit "B": Petition, para. 1.9. While Plaintiff's cause of action was not specifically pled, he claims retaliation and appears to be essentially making allegations of alleged constitutional violations for retaliation under 42 USC §1983 (civil action for deprivation of rights) while incarcerated at the Facility.

C. Original Jurisdiction

4. Because Plaintiff's claims involve a federal question, this Court has original jurisdiction of this case, pursuant to 28 U.S.C. §1331. Pursuant to 28 U.S.C. §1441(a), this action is properly removed to the United States District Court for the Northern District of Texas, the judicial district in which the state court suit was pending in Wise County, Texas.

D. Removal is timely

5. Defendant Rembert was served with Plaintiff's Original Petition in the State Action on August 18, 2023. Defendant Thomas was served with the Petition on August 23,

2023. Defendant MTC was served on September 5, 2023. Thus, this Notice of Removal is timely filed within thirty (30) days of service of process.

E. Notice Given

6. Notice of this Removal is provided by Defendants to Plaintiff and to the 271st Judicial District Court of Wise County, Texas.

F. Attachments

7. Pursuant to 28 USC § 1446, the following Exhibits are attached hereto and/or will be supplemented. The Exhibits are incorporated herein by reference for all purposes.

Exhibit A Index of Documents Being Filed;

Exhibit B State Court File;

Exhibit C Civil Cover Sheet

Exhibit D Supplemental Civil Cover Sheet;

Exhibit E List of All Counsel of Record

Exhibit F Disclosure Statement

G. Consent

8. Defendants are the only defendants to Plaintiff's Original Petition. As such, no consent was required.

WHEREFORE, Defendants pray that this action be removed to the United States District Court for the Northern District of Texas – Fort Worth Division, from the 271st Judicial District Court of Wise County, Texas.

Respectfully submitted,

**WILSON ELSER MOSKOWITZ
EDELMAN & DICKER, LLP**

/s/ Allison R. Edwards

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was electronically served on pro se Plaintiff, and/or via facsimile transmission, and/or by certified mail, return receipt requested, on September 11th, 2023 as follows:

Rogelio Regalado
No. 02315237
TDCJ, Carol Vance Unit
2 Jester Road
Richmond, Texas 77406

/s/ Allison R. Edwards
Allison R. Edwards